



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Tuesday 11 September 2018

REPORT STAGE PROCEEDINGS

**COUNTER-TERRORISM AND BORDER SECURITY BILL,
AS AMENDED**

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Speaker.

*NEW CLAUSES AND NEW SCHEDULES CREATING OFFENCES RELATING TO TERRORISM;
AMENDMENTS TO CLAUSES 1 TO 10; NEW CLAUSES AND NEW SCHEDULES RELATING
TO PREVENT AND AMENDMENTS TO CLAUSE 18*

NEW CLAUSES AND NEW SCHEDULES CREATING OFFENCES RELATING TO TERRORISM

Secretary Sajid Javid

Read a second time on division and added **NC2**

To move the following Clause—

“Entering or remaining in a designated area

(1) The Terrorism Act 2000 is amended as follows.

Counter-Terrorism and Border Security Bill, *continued*

- (2) After section 58A insert—

“Entering or remaining in designated areas overseas

58B Entering or remaining in a designated area

- (1) A person commits an offence if—
 - (a) the person enters, or remains in, a designated area, and
 - (b) the person is a United Kingdom national, or a United Kingdom resident, at the time of entering the area or at any time during which the person remains there.
- (2) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for entering, or remaining in, the designated area.
- (3) A person does not commit an offence under this section of entering, or remaining in, a designated area if—
 - (a) the person is already travelling to, or is already in, the area on the day on which it becomes a designated area, and
 - (b) the person leaves the area before the end of the period of one month beginning with that day.
- (4) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 10 years, or to a fine, or to both.

- (5) In this section—

“designated area” means an area outside the United Kingdom that is for the time being designated for the purposes of this section in regulations under section 58C;

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject, or
- (c) a British protected person within the meaning of that Act;

“United Kingdom resident” means an individual who is resident in the United Kingdom.

- (6) The reference in subsection (3) to the day on which an area becomes a designated area is a reference to the day on which regulations under section 58C come into force designating the area for the purposes of this section.
- (7) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

58C Section 58B: designated areas

- (1) The Secretary of State may by regulations designate an area outside the United Kingdom as a designated area for the purposes of section 58B if the following condition is met.

Counter-Terrorism and Border Security Bill, *continued*

- (2) The condition is that the Secretary of State is satisfied that it is necessary, for the purpose of protecting members of the public from a risk of terrorism, to restrict United Kingdom nationals and United Kingdom residents from entering, or remaining in, the area.
- (3) The reference in subsection (2) to the public includes a reference to the public of a country other than the United Kingdom.
- (4) Where an area is designated by regulations under this section, the Secretary of State must—
- (a) keep under review whether the condition in subsection (2) continues to be met in relation to the area, and
 - (b) if the Secretary of State determines that the condition is no longer met, revoke the regulations (or revoke them so far as they have effect in relation to that area if the regulations designate more than one area).
- (5) In this section “designated area”, “United Kingdom national” and “United Kingdom resident” have the same meaning as in section 58B.”
- (3) In section 123 (orders and regulations), after subsection (6) insert—
- “(6ZA) Regulations under section 58C—
- (a) must be laid before Parliament after being made, and
 - (b) cease to have effect at the end of the period of 40 days beginning with the day on which they are made unless before the end of that period the regulations are approved by a resolution of each House of Parliament.
- (6ZB) For the purposes of subsection (6ZA) the period of 40 days is to be computed in accordance with section 7(1) of the Statutory Instruments Act 1946.
- (6ZC) Subsection (6ZA)(b)—
- (a) is without prejudice to anything previously done or to the power of the Secretary of State to make new regulations under section 58C;
 - (b) does not apply to regulations that only revoke previous regulations under that section.”

AMENDMENTS TO CLAUSES 1 TO 10

Secretary Sajid Javid

Agreed to 1

Clause 2, page 2, line 9, at end insert—

“() After subsection (3) insert—

- “(4) A constable may seize an item of clothing or any other article if the constable—
- (a) reasonably suspects that it is evidence in relation to an offence under subsection (1), and
 - (b) is satisfied that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.

Counter-Terrorism and Border Security Bill, *continued*

- (5) In connection with exercising the power in subsection (4), a constable may require a person to remove the item of clothing or other article if the person is wearing it.
- (6) But the powers conferred by subsections (4) and (5) may not be exercised so as to seize, or require a person to remove, an item of clothing being worn next to the skin or immediately over a garment being worn as underwear.””

Secretary Sajid Javid

Clause 3, page 2, line 16, leave out “on three or more different occasions” *Agreed to* 2

Secretary Sajid Javid

Clause 3, page 2, line 16, after “views” insert “, or otherwise accesses,” *Agreed to* 3

Secretary Sajid Javid

Clause 3, page 2, line 19, leave out subsection (3) and insert— *Agreed to* 4

“(3) After subsection (1) insert—

“(1A) The cases in which a person collects or makes a record for the purposes of subsection (1)(a) include (but are not limited to) those where the person does so by means of the internet (whether by downloading the record or otherwise).”

(4) After subsection (3) insert—

“(3A) The cases in which a person has a reasonable excuse for the purposes of subsection (3) include (but are not limited to) those in which at the time of the person’s action or possession, the person did not know, and had no reason to believe, that the document or record in question contained, or was likely to contain, information of a kind likely to be useful to a person committing or preparing an act of terrorism.”

Secretary Sajid Javid

Clause 6, page 3, line 28, at end insert— *Agreed to* 5

“() In section 38B (information about acts of terrorism), in subsection (5)(a), for “five years” substitute “10 years.”

Counter-Terrorism and Border Security Bill, *continued*

Secretary Sajid Javid

Agreed to 15

Clause 8, page 5, line 37, at end insert—

“160A An offence under section 58B of that Act (entering or remaining in a designated area).”

Secretary Sajid Javid

Agreed to 16

Clause 8, page 6, line 38, at end insert—

“9C An offence under section 58B of that Act (entering or remaining in a designated area).”

Secretary Sajid Javid

Agreed to 17

Clause 9, page 7, line 37, at end insert—

“(viiia) section 58B (entering or remaining in a designated area),”

Secretary Sajid Javid

Agreed to 18

Clause 10, page 9, line 5, after “etc,” insert—

“section 58B (entering or remaining in a designated area),”

NEW CLAUSES AND NEW SCHEDULES RELATING TO PREVENT AND AMENDMENTS TO CLAUSE 18

Nick Thomas-Symonds
Gavin Newlands

Negatived on division 13

Clause 18, page 19, line 14, at end insert—

“(8) After section 39 (Power to amend Chapter 2), insert—

“39A Review of support for people vulnerable to being drawn into terrorism

- (1) The Secretary of State must within 6 months of the passing of the Counter-Terrorism and Border Security Act 2018 make arrangements for an independent review and report on the Government strategy for supporting people vulnerable to being drawn into terrorism.
- (2) The report and any recommendations of the review under subsection (1) must be laid before the House of Commons within 18 months of the passing of the Counter-Terrorism and Border Security Act 2018.

Counter-Terrorism and Border Security Bill, *continued*

- (3) The laying of the report and recommendations under subsection (2) must be accompanied by a statement by the Secretary of State responding to each recommendation made as part of the independent review.””

NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO EUROPEAN ARREST WARRANTS; REMAINING PROCEEDINGS ON CONSIDERATION

NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO EUROPEAN ARREST WARRANTS

Nick Thomas-Symonds
Gavin Newlands

Negatived on division NC1

To move the following Clause—

“Continued participation in the European Arrest Warrant

- (1) It is an objective of the Government, in negotiating the withdrawal of the United Kingdom from the European Union, to seek continued United Kingdom participation in the European Arrest Warrant in relation to persons suspected of specified terrorism offences.
- (2) In this section, “specified terrorism offences” has the same meaning as Schedule 15 of the Criminal Justice Act 2003.”

REMAINING PROCEEDINGS ON CONSIDERATION

Gavin Newlands

Not called NC3

To move the following Clause—

“Access to a solicitor

- (1) Schedule 8 of the Terrorism Act 2000 is amended as follows.
- (2) In paragraph 7 leave out “Subject to paragraphs 8 and 9”.
- (3) In paragraph 7A—
 - (a) leave out sub-paragraph (3),
 - (b) leave out sub-paragraph (6) and insert—

“Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would create an immediate risk of physical injury to any person.”

- (c) in sub-paragraph (7) at end insert—

“provided that the person is at all times able to consult with a solicitor in private.”

Counter-Terrorism and Border Security Bill, *continued*

- (d) leave out sub-paragraph (8).
 - (4) leave out paragraph 9.”
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Secretary Sajid Javid

Agreed to **6**

Clause **14**, page **15**, line **24**, at end insert—

- “(3A) But a charge may not be imposed in relation to the holding of a relevant event if the event is a public procession, or public assembly, held for the purpose of—
 - (a) demonstrating support for, or opposition to, the views or actions of any person or body of persons,
 - (b) publicising a cause or campaign, or
 - (c) marking or commemorating an event.”

Secretary Sajid Javid

Agreed to **7**

Clause **14**, page **15**, line **25**, at end insert—

- ““public assembly” means an assembly of two or more persons in a public place which is wholly or partly open to the air;
 - “public place” means—
 - (a) any highway or, in Scotland, any road within the meaning of the Roads (Scotland) Act 1984, and
 - (b) any place to which at the material time the public, or any section of the public, has access (on payment or otherwise) as of right or by virtue of an express or implied permission;
 - “public procession” means a procession in a public place;”
-

Secretary Sajid Javid

Agreed to **19**

Clause **23**, page **21**, line **34**, leave out “1 to 5” and insert “1, 2, 3, 4 or 5”

Secretary Sajid Javid

Agreed to **8**

Clause **25**, page **23**, line **14**, at end insert—

- “() paragraph 18A of Schedule 4 and section 21(1) so far as relating to that paragraph,”

Counter-Terrorism and Border Security Bill, *continued*

Secretary Sajid Javid

Agreed to 9

Clause 25, page 23, line 24, leave out paragraph (d) and insert—
 “(d) paragraphs 17 and 18, 19 to 25 and 26 to 31 of Schedule 4 and section 21(1) so far as relating to those paragraphs.”

Nick Thomas-Symonds

Not called 26

Schedule 3, page 36, line 7, at end insert—
 “(6A) The Investigatory Powers Commissioner (“the Commissioner”) must be informed when a person is stopped under the provisions of this paragraph.
 (6B) The Commissioner must make an annual report on the use of powers under this paragraph.”

Secretary Sajid Javid

Agreed to 10

Schedule 3, page 42, line 35, at end insert—
 “() Representations under sub-paragraph (1) must be made in writing.”

Gavin Newlands

Not called 27

Schedule 3, page 46, line 17, leave out “and 26”

Gavin Newlands

Not called 28

Schedule 3, page 46, line 26, leave out sub-paragraph (3)

Gavin Newlands

Not called 29

Schedule 3, page 46, line 33, leave out sub-paragraph (6) and insert—
 “Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would create an immediate risk of physical injury to any person.”

Gavin Newlands

Not called 30

Schedule 3, page 46, line 37, at end insert—
 “provided that the person is at all times able to consult with a solicitor in private.”

Gavin Newlands

Not called 31

Schedule 3, page 47, line 29, leave out paragraph 26.

Counter-Terrorism and Border Security Bill, *continued*

Nick Thomas-Symonds

Not called 14

Schedule 3, page 47, line 31, leave out “and hearing” and insert “but not hearing”.

Secretary Sajid Javid

Agreed to 11

Schedule 4, page 73, line 29, at end insert—

“Legal Aid (Scotland) Act 1986 (c. 47)

18A In section 8A of the Legal Aid (Scotland) Act 1986 (criminal advice and assistance: automatic availability in certain circumstances), in subsection (2) at the end insert—

“(d) a person who is detained under section 41 of, or Schedule 7 to, the Terrorism Act 2000, or

(e) a person who is detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2018.”

Secretary Sajid Javid

Agreed to 12

Schedule 4, page 77, line 25, at end insert—

“Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011 (S.S.I. 2011/217)

25A (1) In regulation 8 of the Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011—

(a) the words from “to whom” to the end become paragraph (a), and

(b) at the end of that paragraph insert “, or

(b) who is detained—

(i) under section 41 of, or Schedule 7 to, the Terrorism Act 2000, or

(ii) under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2018.”

(2) Nothing in sub-paragraph (1) affects any power under the Legal Aid (Scotland) Act 1986 to revoke or amend any provision of the regulations amended by that sub-paragraph.”

Secretary Sajid Javid

Agreed to 20

Schedule 4, page 79, line 21, at end insert—

“Criminal Procedure and Investigations Act 1996 (c. 25)

31A In section 29 of the Criminal Procedure and Investigations Act 1996 (power to order preparatory hearing), in subsection (6)(e), after “purposes of terrorism” insert “, eliciting information about armed forces etc, entering or remaining in a designated area”.

Counter-Terrorism and Border Security Bill, *continued*

Secretary Sajid Javid

Agreed to 21

Schedule 4, page 79, line 22, at end insert—
“31B The Terrorism Act 2000 is amended as follows.”

Secretary Sajid Javid

Agreed to 22

Schedule 4, page 79, line 23, leave out “of the Terrorism Act 2000”

Secretary Sajid Javid

Agreed to 23

Schedule 4, page 79, line 23, at end insert—
“32A In section 23A (forfeiture: other terrorism offences etc), in the list of provisions in subsection (2)(a), after the entry relating to section 57, 58 or 58A insert—
“section 58B (entering or remaining in a designated area);”.
32B In section 118 (defences), in subsection (5)(a), after “58A,” insert “58B.””

Secretary Sajid Javid

Agreed to 24

Schedule 4, page 79, line 29, at end insert—
“34A In section 27 (meaning of “terrorism offence”), in the list of provisions in subsection (1)(a), after the entry relating to sections 56 to 58A insert—
“section 58B (entering or remaining in a designated area).”

Secretary Sajid Javid

Agreed to 25

Schedule 4, page 79, line 36, at end insert—
“35A In section 41 (offences to which Part 4 applies: terrorism offences), in subsection (1)(a), in the entry relating to sections 56 to 61, after “purposes of terrorism” insert “eliciting information about members of armed forces etc, entering or remaining in a designated area.”

Bill read the third time on division, and passed.
